

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TODD CHRISTOPHER MORGAN,	:	Case No. 3:11-cv-450
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Chillicothe Correctional	:	
Institution,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORTS AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Docs. 2, 4); (2) DENYING PETITIONER'S OBJECTIONS (Docs. 3, 5);  
(3) DISMISSING PETITIONER'S PETITION WITH PREJUDICE; (4) DENYING  
ANY REQUESTED CERTIFICATE OF APPEALABILITY; (5) CERTIFYING  
THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS; AND  
(6) TERMINATING THIS CASE**

This case is before the Court on the Reports and Recommendations of the United States Magistrate Judge Michael R. Merz. (Doc. 2, 4). The Magistrate Judge recommends that Petitioner's Petition for Writ of Habeas Corpus be dismissed with prejudice because it is barred by the applicable statute of limitations. The Magistrate Judge further recommends that Petitioner be denied a certificate of appealability and that the Court certify that any appeal would be objectively frivolous, precluding Petitioner from proceeding on appeal *in forma pauperis*. (Doc. 2).

Petitioner filed Objections to the Report and Recommendations. (Doc. 3). Thereafter, the Magistrate Judge issued a Supplemental Report and Recommendations recommending the same disposition. (Doc. 4). Petitioner again Objected. (Doc. 5).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter. Upon consideration of the foregoing, the Court:

- (1) **ADOPTS** the Reports and Recommendations of the Magistrate Judge (Doc. 2, 4) in their entirety;
- (2) **OVERRULES** Petitioner's Objections (Docs. 3, 5);
- (3) **DISMISSES** Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) with prejudice;
- (4) **DENIES** any request for a certificate of appealability under 28 U.S.C. § 2253(c);
- (5) **CERTIFIES** that any appeal would be objectively frivolous and **DENIES** any request for leave to appeal *in forma pauperis*; and
- (6) **TERMINATES** this case on the docket.

**IT IS SO ORDERED.**

Date: 1/26/12

Timothy S. Black  
Timothy S. Black  
United States District Judge